

another by a respective elongate strip of foldable material extending along and between the sides of the wall members."

Support is clearly provided in Figures 1 and 13, and column 2, lines 5-7 of Applicant's U.S. Patent No. 5,301,705 ("the '705 patent"):

"Interconnecting portions of the fabric material form a hinge portion between each frame member."

This language from column 2, lines 5-7 specifically provides that adjacent frame (wall) members are hingedly joined together and separated from one another by an interconnecting portion of fabric (i.e., "an elongate strip of foldable material") extending between the frame (wall) members. Fabric is a foldable material.

Claim 23 recites that:

". . . sides of each wall member are joined to adjacent sides of adjacent wall members inwardly of said peripheral channel with the peripheral channel and associated frame for each wall member being free of the channel and associated frame of each other wall member [sic]."

Figure 13 of the '705 patent illustrates the inward joint that is set forth in claim 23. A marked-up copy of Figure 13 is attached to this Response for ease of reference. Specifically, the frame retaining sleeve A (i.e., corresponding to the claimed "peripheral channel") and its frame member (not shown, but is retained inside sleeve A) of one wall member B is joined to the

sleeve C and frame member of the adjacent wall member D in a manner in which the sleeve and associated frame for each wall member is free of the sleeve and associated frame of the other wall member. This connection is accomplished by the interconnecting fabric E which is inward of both sleeves A and C, and which separate the sleeves A and C from each other.

In addition, the Federal Circuit has concluded that the drawings are part of the specification and alone may provide proper antecedent basis or support for claimed subject matter. See, for example, Vas-Cath, Inc. v. Mahurkar, 19 USPQ2d 1111, 1118 (Fed. Cir. 1991). Furthermore, there is no requirement that any terminology used in any of the claims must be specifically found in the specification if the subject matter claimed by the terminology is clear. For example, 37 CFR 1.75(d), cited by the Examiner, only requires that:

" . . . the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description" [emphasis added].

In light of the above reasons, Applicant respectfully submits that the specification and drawings of the '705 patent provide sufficient support for the subject matter of claims 16, 23 and 26.

2. Obviousness-Type Double Patenting

The Examiner rejected claims 1, 17-22, 24, 25, 27 and 28 under the judicially created doctrine of obviousness-type double

patenting as being unpatentable over claims 1-16 of the '705 patent. To overcome this rejection, Applicant is submitting herewith a Terminal Disclaimer. Thus, withdrawal of this rejection is respectfully requested.

In light of the above, claims 1 and 16-28 are respectfully submitted to be in condition for allowance. Therefore, Applicant respectfully requests that an Interference be declared between the present application and U.S. Patent No. 5,411,046 (Wan).

Applicant is also submitting herewith a Notice of Change of Address. Entry and correction of the undersigned's address is respectfully requested.

Respectfully submitted,




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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on February 7, 1997.



Raymond Sun
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February 7, 1997
(Date)

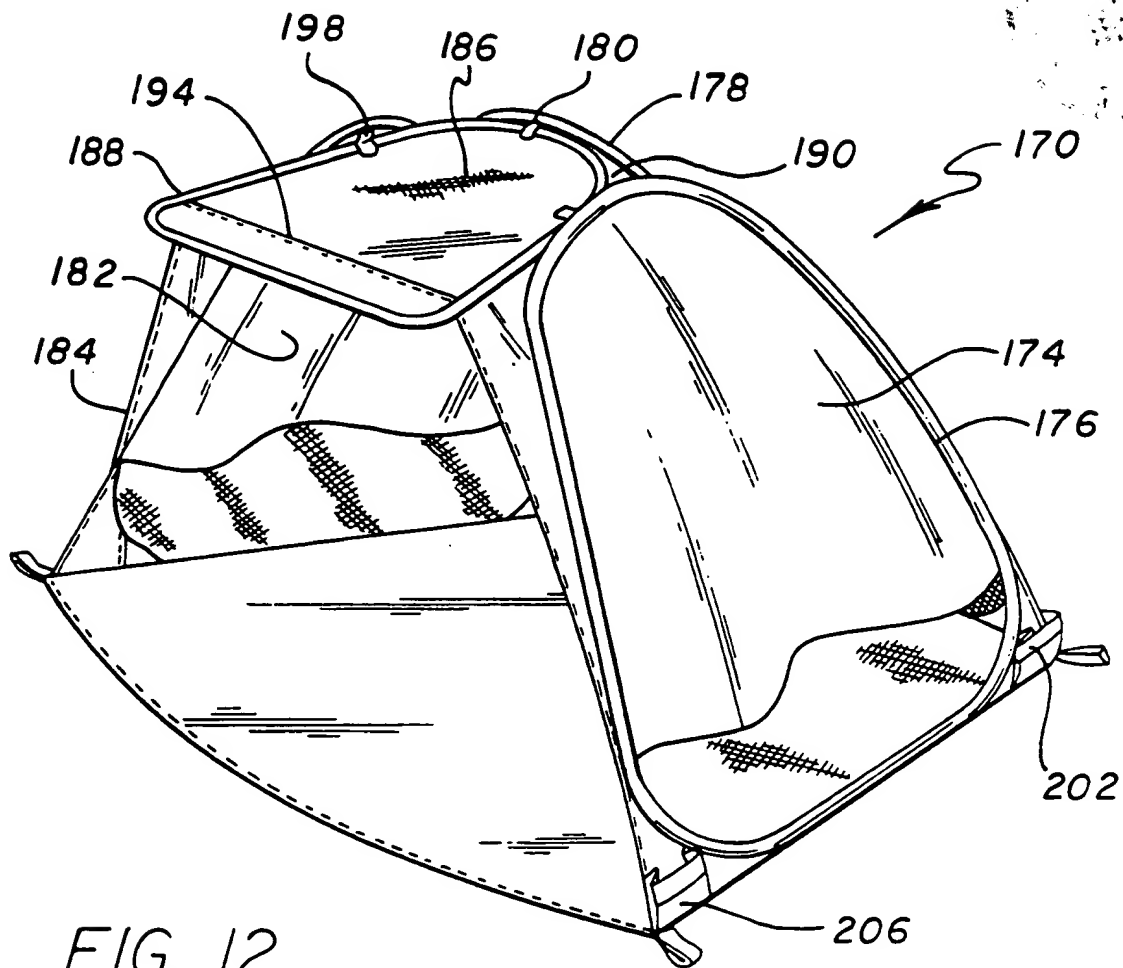


FIG. 12

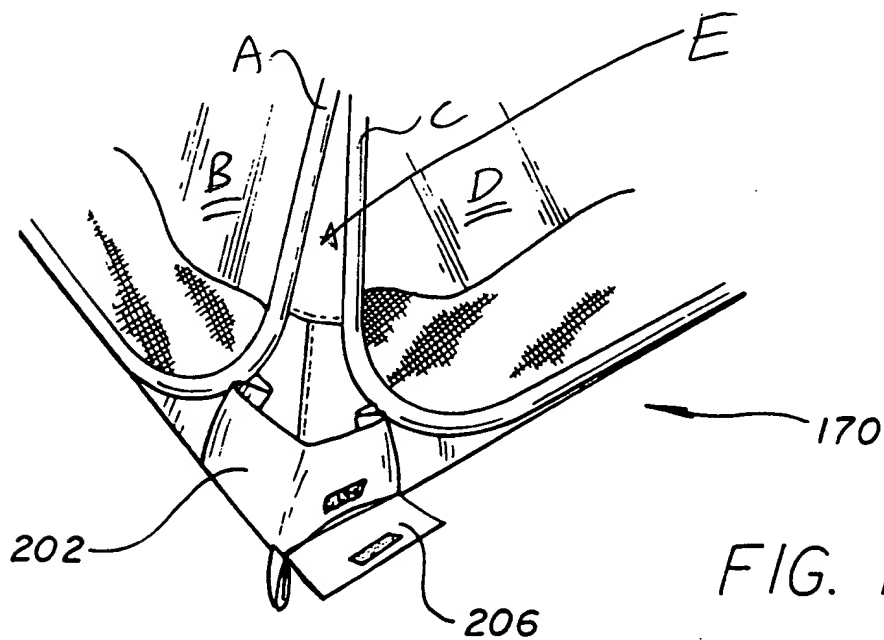


FIG. 13